IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 637 OF 1998

The Commissioner of Income-tax. ... Applicant.
V/s.
M/s.R.G.Advani Impex Pvt.Ltd. ... Respondent.

A.S.Rao for the Applicant.

CORAM : V.C.DAGA AND J.P.DEVADHAR, JJ.

DATED : 29th March, 2005.

P.C. :

. Heard learned counsel for the applicant.

The tribunal has referred following question for the

opinion of this Court:

> "Whether on the facts and in the circumstances of the case and in view of the provisions of section 43(1), the Tribunal was right in law in holding that depreciation should be allowed on plant machinery without reducing therefrom the amount of central subsity received by the assessee?"

2. The above question has already been answered

by the Apex Court in the case of **C.I.T. v. P.J.Chemicals Ltd.**, (1994) 210 ITR 830 (SC) and

Division Bench of this Court in the case of **C.I.T. v. Menezes Farmaco**, (1999) 236 ITR (Bom) in favour

of assessee and against the revenue. In this view

of the matter, the question referred is answered in

affirmative.

. Reference stands disposed of accordingly

with no order as to costs.

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